



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Gregory J. Koerner
Simon & Koerner LLP
10052 Pasadena Avenue, Suite B
Cupertino CA 95014

MAIL

Paper No. 16

NOV 04 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Lex S. Olorenshaw, et al. :
Application No. 09/369,031 :
Filed: August 4, 1999 :
For: **SYSTEM AND METHOD FOR SPEECH** :
RECOGNITION USING AN ENHANCED :
PHONE SET :

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw the Holding of Abandonment filed July 26, 2004, which is treated as a pursuant to 37 C.F.R. § 1.181. No fee is required.

This application became abandoned for failure to timely reply to a non-final Office action mailed on December 17, 2003. A notice of abandonment was mailed June 30, 2004.

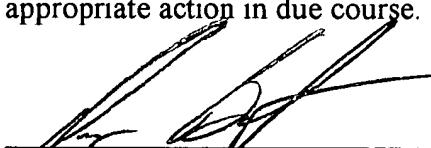
Petitioner states that a response was in fact timely filed. To support this assertion, petitioner has submitted a date-stamped copy of a return postcard which acknowledges receipt by the Patent and Trademark Office of a response on March 19, 2004. Petitioner has also submitted a copy of the response.

The date stamped on the post card receipt is subsequent to the due date for response to the three month shortened statutory time period for response set forth in the Office action mailed December 17, 2003. However, the copy of the response provided with the petition, includes a certificate of mailing certifying deposit on March 16, 2004 in accordance with 37 CFR 1.8(a). Accordingly, the copy of the response is accepted as having been timely filed. Moreover, it would appear as though the check submitted by the applicant, according to the Office's revenue accounting management software, was received March 19, 2004 and processed on March 22, 2004.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff for entry of the copy of the response. From there, the file will be forwarded to the examiner for appropriate action in due course.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications